

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

LUIS RANGEL FRIAS, #14131-078 §
VS. § CIVIL ACTION NO. 4:13cv430
JOHN MALCOLM BALES, ET AL. §

ORDER OF DISMISSAL

Plaintiff Luis Rangel Frias, a federal prisoner confined at the McRae Correctional Facility, proceeding *pro se*, filed the above-styled and numbered civil rights lawsuit pursuant to 42 U.S.C. § 1983. The complaint was referred to United States Magistrate Judge Amos L. Mazzant, who issued a Report and Recommendation concluding that the lawsuit should be dismissed. Plaintiff has filed objections.

The Report of the Magistrate Judge, which contains his proposed findings of fact and recommendations for the disposition of such action, has been presented for consideration, and having made a *de novo* review of the objections raised by Plaintiff to the Report, the court is of the opinion that the findings and conclusions of the Magistrate Judge are correct, and the objections of Plaintiff are without merit. The court specifically notes that it will not entertain frivolous claims by prisoners couched in terms of the Uniform Commercial Code. The present lawsuit is malicious, frivolous and fails to state a claim upon which relief may be granted. It is therefore

ORDERED that the civil rights complaint is **DISMISSED** with prejudice pursuant to 28 U.S.C. § 1915A(b)(1). It is further

ORDERED that all motions not previously ruled on are **DENIED**.

Plaintiff is hereby informed that the decision dismissing this cause of action pursuant to 28 U.S.C. § 1915A(b)(1) counts as a strike for purposes of 28 U.S.C. § 1915(g). He is cautioned that once he accumulates three strikes, he may not proceed IFP either in any civil action or in any appeal of a civil action which is filed while he is incarcerated or detained in any facility, unless he is under imminent danger of serious physical injury.

So **ORDERED** and **SIGNED** this **8** day of **February, 2014**.



Ron Clark, United States District Judge